1) What are rent stabilization and just cause for eviction?

Generally, rent stabilization ordinances prohibit landlords from instituting excessive rent increases but do allow:

- Annual rent increases at a certain percentage fixed by the City; and
- Other increases, approved by a hearing officer, when necessary to assure that a landlord is receiving a fair return on its investment.

Just cause for eviction prevents “no-fault” evictions and establishes provisions for relocation assistance in certain instances to be paid by the landlord.
2) What steps has the City taken towards enacting rent stabilization and just cause for eviction in Pacifica?

On May 8, 2017, the City Council called a special election on Tuesday, November 7, 2017, and submitted to the voters a ballot measure containing a proposed rent stabilization and just cause for eviction ordinance entitled the “Pacifica Community Preservation, Rent Stabilization, and Renters’ Rights Act.” [Click here for full text of ballot measure](#). If adopted by the voters, the ballot measure would permanently establish rent stabilization and just cause for eviction in Pacifica.

3) Is an Interim Ordinance in effect?

No. The City Council repealed Ordinance No. 814, which was an Interim Ordinance imposing a temporary moratorium on certain residential rent increases and requiring just cause for eviction of tenants, on August 14, 2017. The Interim Ordinance would have been effective on May 24, 2017. However, prior to its effective date, the City Clerk received a referendum petition protesting adoption of the Interim Ordinance. Because the referendum petition contained a sufficient number of signatures, it prevented the Interim Ordinance from taking effect.

4) What units would be affected by rent stabilization and just cause for eviction?

Rent Stabilization

Both the ballot measure to be considered by the voters in November 2017 and the Interim Ordinance adopted by the City Council contain exemptions from rent stabilization for certain types of housing units, which include but are not limited to:

- Single-family residences
- Accessory dwelling units (i.e. in-law units)
- Duplexes
- Condominiums
- Townhouses
- Multi-family apartment units constructed on or after February 1, 1995.

A state law known as the “[Costa-Hawkins Rental Housing Act](#)” similarly exempts certain housing units from local rent stabilization ordinances, including but not limited to:

- Units built on or after February 1, 1995; and
• Single-family residences, condominiums, and townhouses.

In summary, the ballot measure to be considered by the voters and the Interim Ordinance adopted by the Council would apply only to apartments in buildings with three or more units built before February 1, 1995. The ballot measure’s exemption for single-family residences would remain in effect even if state law changes.

**Just Cause for Eviction**
The ballot measure to be considered by the voters in November 2017 contains Just Cause for Eviction regulations. In Pacifica, these regulations would apply only to those units subject to rent stabilization (see discussion above).

5) **Would single-family residences be covered by rent stabilization in Pacifica?**

No. The rent stabilization ordinance contained in the ballot measure to be voted on in November 2017 specifically exempts single-family residences from rent stabilization. Moreover, the [Costa-Hawkins Rental Housing Act](https://leginfo.legislature.ca.gov/faces/billtext.xhtml?bill_id=20172018 Regular%20Session%20ab%20SB%203%20rental%20housing%20Act) is a state law that exempts single-family residences from local rent stabilization ordinances. Thus, the City currently cannot adopt a rent stabilization ordinance that covers single-family residences and, even if state law changes, the ordinance under consideration would still exempt single-family residences.

6) **Would single-family residences be covered by just cause for eviction in Pacifica?**

No. Although the City could provide just cause for eviction protections to all tenants in Pacifica, the ordinance contained in the ballot measure to be voted on in November 2017 and the Interim Ordinance adopted by the City Council would apply just cause for eviction protections only to those units subject to rent stabilization, which does not include single-family residences.

7) **When will residents get to vote on this question?**

The City Council has called a special election on November 7, 2017, and placed on the ballot a rent stabilization and just cause for eviction ballot measure entitled “Pacifica Community Preservation, Rent Stabilization, and Renters’ Rights Act.” [Click here for full text of ballot measure.](#)
8) **How will the City pay for this new program?**

The ballot measure would establish a $6 per unit one-time registration fee to cover start-up costs and would initially establish a $19 per month fee to cover ongoing operational costs for each unit covered by the ordinance. Landlords would be allowed to pass the fees on to tenants. The fees are intended to pay for the costs of the program.

9) **Does the rent stabilization Ordinance impose a tax?**

No. The Ordinance imposes a regulatory fee on the users of the rent stabilization program, and not on Pacifica citizens generally. In contrast, a tax is a charge imposed generally for revenue raising purposes. Here, the cost of implementing the Ordinance is financed through a per unit monthly fee on landlords which may be passed on to tenants. (Ordinance, Sec. 9-4.104(G).) Because the regulatory fee is imposed on the users of the program for the purposes of covering the program’s costs, and is not imposed on the public generally, the Ordinance does not impose a tax.

10) **What are the estimated costs of implementing the Ordinance? Will general funds be used to pay for costs?**

Staff has estimated potential costs for implementing the ordinance to be $697,300. General fund moneys will be used to advance initial startup costs until the City has collected the fees that finance the rent stabilization program. After the initial fees have been collected, any general fund revenue used to implement the program will be reimbursed to the general fund. (Ordinance, Sec. 9-9.104(G).) If the actual costs to finance the program exceed the fees established by the ordinance, the ordinance provides that the City Council may adjust the fees to assure that the costs of implementing the program are borne by the users of the program. (Ordinance, Sec. 9-9.104(G).)

11) **Will homeowners be required to pay a fee under the Ordinance?**

Single-family dwellings are exempt from all requirements of the Ordinance and are not considered users of the program (Ordinance, Sec. 9-9.103) and accordingly will not be subject to any fee imposed under the Ordinance. A complete list of exemptions can be found in the Ordinance.
12) **To whom is the Rental Housing Commission accountable?**

The City Council has the power to appoint the members of the Commission (Ordinance, Sec. 9-9.104(A)). The Commission is authorized to exercise the powers and duties set forth in the Ordinance and must report periodically to the City Council (Ordinance, Sec. 9-9.104(B)).

13) **Can the Ordinance be amended by the City Council without voter approval?**

No. Elections Code section 9217 provides that no Ordinance that is adopted by the voters may be repealed or amended except by a vote of the people. For this reason, the Council would not be able to unilaterally repeal or amend the provisions of the Ordinance.

14) **Will the Ordinance allow tenants to exceed the maximum occupancy limits in rental agreements or existing state/local laws?**

No, the Ordinance provides that the maximum number of occupants per unit is governed by the rental housing agreement between the landlord and tenant, and is not to exceed the limits provided in Section 503(b) of the Uniform Housing Code as incorporated by Health & Safety Code Section 17922. (Ordinance, Sec. 9-9.105(A)(2)(a)(3))

15) **How can I stay informed as this process continues?**

There are several ways to view City Council agendas and agenda packets with the latest information under consideration. You can:

- View posted agendas, not less than 72 hours prior to a meeting, at the entrance to City Hall, 170 Santa Maria Avenue

- View posted agendas and agenda packets on the City’s Meeting Portal

- Request an email subscription and be notified when agendas and agenda packets are available by sending your request via email to City Clerk Kathy O’Connell
• Request an agenda and/or agenda packet from the City Clerk’s Office at City Hall, 170 Santa Maria Avenue, 2nd Floor

You can also contact Senior Planner Christian Murdock in the Planning Department at (650) 738-7341 or by email at murdockc@ci.pacifica.ca.us with other questions on the ballot measure.

Below is a summary timeline of developments that have occurred with respect to the issue of rent stabilization and just cause eviction in Pacifica since April 2017:

Update 9/7/2017: The City Council, at its regular meeting on August 14, repealed Ordinance No. 814 which was an Interim Ordinance imposing a temporary moratorium on certain residential rent increases and requiring just cause for eviction of tenants.

Update 6/27/2017: The City Council, at its regular meeting on June 26, accepted the San Mateo County Elections Department’s certification that the referendum petition protesting adoption of Ordinance No. 814 (the Interim Ordinance establishing just cause for evictions and a moratorium on certain residential rent increases) contains the required number of signatures to require either rescission of Ordinance No. 814 or placement on a future ballot. The Council also directed staff to prepare the necessary documents to repeal and rescind Ordinance No. 814. Staff is in the process of preparing these documents which will be considered at a future City Council meeting.

Update 6/26/2017: The San Mateo County Elections Department has confirmed the referendum petition protesting adoption of Ordinance No. 814 (the Interim Ordinance establishing rent stabilization and just cause for evictions) contains the required number of signatures to permanently suspend effectiveness of the ordinance. The petition contained at least 2,490 valid signatures, which exceeded the minimum of 2,427 signatures required.

The City Council will consider what steps to take next at its regular meeting this evening. Elections Code section 9241 provides the Council two options: 1) repeal the ordinance against which the petition was filed; or, 2) submit the ordinance to the voters, with certain requirements as to when the election may occur.

Update 5/19/2017: The City Clerk has received a referendum petition protesting adoption of the Interim Ordinance establishing a temporary moratorium on certain residential rent increases and requiring just cause for tenant evictions (Ordinance No. 814). Submission of the petition suspends the effective date of the Interim Ordinance.

The referendum petition must contain the signatures of at least 10% of the City’s registered voters. The City is working diligently with San Mateo County elections officials to ascertain whether or not the petition is signed by the requisite number of voters.
If the petition is found to be sufficient, the effective date of the Interim Ordinance will remain suspended and the City Council will be required to consider whether to repeal the Interim Ordinance or submit it to the voters for final adoption.

**Update 5/9/2017:** On May 8, 2017 the Pacifica City Council called for a Special Election on Tuesday, November 7, 2017, and Submitting to the Electors of the City of Pacifica a proposed Ordinance entitled “Pacifica Community Preservation, Rent Stabilization, and Renters’ Rights Act.” If adopted by the voters, the ballot measure would permanently establish rent stabilization and just cause for eviction in Pacifica. Please see the attached Resolution and full text of the ballot measure.

**Update 5/4/2017:** Staff Report for May 8, 2017 City Council Meeting (includes resolution); Proposed Ordinance for Pacifica Community Preservation, Rent Stabilization, and Renters’ Rights Act; and a Proposed Interim Urgency Ordinance Establishing a Temporary Moratorium on Certain Residential Rent Increases and Requiring Just Cause for Tenant Evictions.

**Update 4/26/2017:** Press Release - City Council Adopts Temporary Moratorium on Rent Increases and Requires Just Cause for Tenant Evictions. Click here for full text of the Interim Ordinance Establishing Moratorium on Rent Increases and Just Cause for Evictions.

**Update 4/19/2017:** The Pacifica Tribune edition of April 19, 2017, led with the headline “City Enacts Rent Control.” Elsewhere, the article stated the City Council had placed consideration of a rent stabilization ordinance on the November ballot. Both the headline and the statement regarding an election are erroneous. As the information below explains, the City had neither – as of publication of the newspaper – adopted a rent stabilization ordinance nor called an election. These matters continue to be under consideration by the City Council.